

APPENDIX I

INDUSTRIAL DISCHARGER IDENTIFICATION

Did You Know You May Need a Storm Water Permit?

(whether or not you have materials that contact storm water)

What the Clean Water Act requires

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act or CWA) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited, unless the discharge is in compliance with a NPDES permit. The 1987 amendments to the CWA established a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, the Federal Environmental Protection Agency (EPA) published final regulations that establish application requirements for storm water permits. The regulations require specific categories of industrial facilities to obtain an NPDES permit.

The regulations allow authorized states to issue general permits or individual permits. The State Water Resources Control Board has elected to issue a statewide general permit that will apply to all dischargers, except those performing construction activities. There is a separate general permit for construction activities.

Coverage under the general permit requires that dischargers:

- Eliminate non-storm water discharges (including illicit connections) to storm water systems;
- Develop and implement a storm water pollution prevention plan; and,
- Monitor discharges to storm water systems.

Who must have a Permit

The permit extends to facilities described in the categories below, whether the activity is primary or auxiliary (a complete list of facilities is shown on the back page).

- Facilities subject to storm water effluent guidelines (40 CFR Subchapter N);
- Manufacturing facilities;
- Mining and oil and gas facilities;
- Hazardous waste treatment storage, or disposal facilities;
- Landfills, land applications sites, and open dumps that receive industrial waste;
- Recycling facilities such as metal scrap yards, battery reclaimers, salvage yards, and automobile yards;
- Steam electric generating facilities;
- Transportation facilities;
- Sewage treatment plants; and,
- Any facilities where materials are exposed to storm water.

How to obtain Permit coverage

To obtain authorization for continued and future industrial storm water discharge, owners, or operators when the owners do not operate the facility, must submit a Notice of Intent Form (NOI) to be covered by the Permit. Certification of the NOI signifies that the discharger intends to comply with the provisions of the permit.

EPA's regulations exclude dischargers covered by a general permit from submitting individual permit applications. The NOI requirements are intended to establish a mechanism which can be used to obtain a clear accounting of the number of dischargers complying with the permit, their identities, the nature of operations at their facilities and the location of such facilities. A \$250 annual fee is required for coverage under the general permit.

Where to file for Permit coverage

The NOI, accompanied by the annual fee, should be sent to the following address:

State Water Resources Control Board
Division of Water Quality
PO Box 1977
Sacramento, CA 95812-1977
Attention: Storm Water Permit Section

The submittal of an NOI to the SWRCB is the initial step in the permit application process. By submitting the NOI, you are committing to several follow-up activities. These include preparation of a Stormwater Pollution Prevention Plan (SWPPP), establishment of an on-site monitoring program, implementing Best Management Practices (BMP's) and record retention/reporting activities.

Facilities that discharge industrial storm water and do not obtain coverage under this Permit or by an individual permit will be in violation of the Clean Water Act and the California Water Code. There are substantial fines that can be pursued by the State or Regional Boards, EPA or by private citizens.

When to file for Permit coverage

A completed NOI must be filed no earlier than January 15, 1992 and no later than March 30, 1992. Facilities beginning operations after March 30 must submit an NOI 30 days prior to the beginning of operations.

Who to call for more information

The State Water Resources Control Board Water Quality Order No. 91-13-DWQ, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities," plus a related fact sheet and NOI, can be obtained by calling Jesse M. Diaz, 916/657-0756; Archie Mathews, 916/657-1110; Don Perrin, 916/657-1288; or Leo Cosentini, 916/657-1009. State Board staff can also answer any questions you may have regarding the Permit.



This newsletter has been prepared by the Orange County Storm Water Program, a cooperative project of the Orange County Flood Control District, the County of Orange and its incorporated cities, in compliance with its municipal NPDES Permit.

Industrial facilities include Federal, State, municipally owned, and private facilities from the following categories:

Facilities subject to storm water effluent guideline limitations: Includes categories of facilities specified in 40 CFR Subchapter N. Currently, these are cement manufacturing (40 CFR 411), feedlots (40 CFR 412), fertilizer manufacturing (40 CFR 418), petroleum refining (40 CFR 419), phosphate manufacturing (40 CFR 422), steam electric (40 CFR 423), mining (40 CFR 434), mineral mining and processing (40 CFR 436), ore mining and dressing (40 CFR 440) and asphalt emulsion (40 CFR 443).

Manufacturing facilities: Standard industrial classifications (SICs*) 24 (except 2411 and 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441 and 373.

Oil and gas/mining facilities: SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990 and oil and gas exploration, production, processing or treatment operations or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation or processing of mined material, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

Hazardous waste treatment, storage or disposal facilities: Includes those operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

Landfills, land application sites and open dumps: Sites that receive or have received industrial waste from any of the facilities covered by this permit, sites subject to regulation under Subtitle D of RCRA and sites that have accepted wastes from construction activities (construction activities include any clearing, grading or excavation that results in disturbance of five acres or more).

Recycling facilities: SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards and automobile junkyards.

Steam electric power generating facilities: Includes coal handling sites.

Transportation facilities: SICs 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 which have vehicle maintenance shop, equipment cleaning operations or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication) or other operations identified herein that are associated with industrial activity.

Sewage or wastewater treatment works: Facilities used in the storage, treatment, recycling and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.

Manufacturing facilities where materials are exposed to stormwater: SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39 and 4221-4225.

*CFR refers to the Code of Federal Regulations available at major libraries. SIC code descriptions are in the Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget, available at most libraries.

State to Regulate Construction Discharges

Sites Greater Than Five Acres May Need a Storm Water Permit

Who Needs a Construction Permit

If your construction project involves five acres of land area or more, you probably need coverage under the State of California's new General Construction Activity Storm Water Permit. The Permit, adopted by the State Water Resources Control Board (State Water Board), is part of the federal National Pollution Discharge Elimination System (NPDES) storm water program that regulates pollutants in municipal and industrial discharges, including both private and public sector construction activity.

Under the General Construction Permit, "construction" is defined as site activity that involves any clearing, grading or excavation, or site activity subject to water quality certification for dredging and filling that is not already regulated by the Army Corps of Engineers. Construction sites that are less than five acres but are part of a larger, common development plan must also obtain coverage under the Permit.

Construction projects that are exempt from this criteria include routine maintenance activities such as maintaining original line and grade, hydraulic capacity and the original purpose of the facility, or emergency construction that is necessary to protect public health and safety. If uncertain, operators of facilities should confirm with their local Regional Water Quality Control Board (in Orange County, the Santa Ana or San Diego Regional Water Boards) whether specific maintenance activities qualify under this exemption.

What Does the Permit Require

Under the General Construction Storm Water Permit, operators of affected construction projects commit to:

- * eliminating or reducing non-storm water discharge into storm water systems;
- * developing and implementing a Storm Water Pollution Prevention Plan; and
- * performing inspections of storm water control structures and pollution prevention measures.

To meet these goals, construction site operators will need to implement Best Management Practices (BMPs) for the control of pollutant discharges in their storm water, establish an on-site inspection program for water quality monitoring and report noncompliance to their Regional Water Board. Records need to be kept for at least three years.

When construction is complete or ownership transferred, operators must notify the State Water Board to indicate that all Permit requirements have been met.

How to Comply with the Permit

Before construction may begin, owners or operators of affected construction sites need to submit a certified Notice of Intention (NOI) and a check for the appropriate annual fee (currently \$250 for construction sites in Orange County) to the State Water Board. Completing an NOI signifies an intent to comply with the terms of the General Construction Storm Water Permit. The NOI is also meant to identify the location and scope of operations of proposed construction that could adversely affect storm water systems, as well as to clearly identify the responsible parties for construction activities.

In Orange County, the Permit is to be implemented and enforced by the Santa Ana and San Diego Regional Water Boards. Dischargers who do not submit an NOI and do not obtain Permit coverage will be in violation of the Clean Water Act and the California Water Code. There are substantial fines that can be pursued by the State for noncompliance of up to \$25,000 per day for each violation.

When and Where to Apply for Coverage Under the Permit

Affected ongoing construction projects must submit an NOI by September 30, 1992. Those commencing after that date must submit before construction may begin.

The NOI (Form NOI-2) can be obtained from the State Water Board and, with the \$250 fee, must be sent to:

State Water Resources Control Board
Division of Water Quality
Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977

Realizing that the deadline for ongoing construction has come about relatively quickly, the State Water Board has indicated that it will not penalize NOIs submitted within a reasonable time frame after September 30, 1992.

For More Information

This flyer is meant to notify as many affected businesses and individuals as possible of the General Construction Storm Water Permit and to briefly explain what needs to be done to comply. Some important aspects are not fully addressed, such as the Storm Water Pollution Prevention Plan, record-keeping and monitoring procedures, and potential follow-up legislation.

Affected owners and operators who have questions regarding their obligations are urged to contact the State Water Board for a copy of the Permit, the NOI form and a related fact sheet. This information can be obtained through the State Water Board's Construction Storm Water Information Line at 916/657-1146. State Water Board staff can also answer questions regarding the Permit.



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The Orange County Stormwater Program, 10852 Douglass Ave., Anaheim CA 92806

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